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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA, SOUTHERN DIVISION

Jenifre McConnell, individually;

Case No.: 2:23-cv-01227

Plaintiff,

vs.

**Stipulation and Order to Extend
Discovery (Second Request)**

Estes Express Lines, Inc., a foreign
corporation; and DOES 1 through 100; and
ROE CORPORATIONS 101 through 200,

Defendant.

1. **Summary of Discovery Completed:** Defendant served its Rule 26(a)(1) disclosure, interrogatories, and requests for production on August 15, 2023. Plaintiff served her Rule 26(a)(1) disclosure August 23, 2023. Defendant sent requests to Plaintiff's first set of disclosed medical providers for treatment records on August 24, 2023. Plaintiff served her interrogatories and requests for production on September 18, 2023. Defendants sent requests to Plaintiff's second set of disclosed medical providers for treatment records on September 25, 2023. Plaintiff served her responses to Defendant's interrogatories on September 28, 2023 and responses to Defendant's requests for production on October 6, 2023. Defendant served its responses to Plaintiff's three sets of requests for production on October 25, 2023 and responses to Plaintiff's interrogatories on October 31, 2023. Plaintiff propounded and served her second set of interrogatories and fourth set of requests for production upon Defendant on November 14, 2023. Defendant subpoenaed Plaintiff's outstanding medical records on November 14, 2023, serving

1 subpoenas to a total of fourteen (14) medical providers. Defendant has also served five (5)
2 subpoenas for past employment records.

3 Defendant continues to gather Plaintiff's medical records. Plaintiff has responded to
4 written discovery requests and has supplemented her FRCP 26 disclosures. The parties continue
5 working to ensure all relevant documents are being produced.

6 2. **Discovery Remaining:** Pursuing outstanding medical records, deposing witnesses,
7 retaining and disclosing experts, and then potentially deposing those experts.

8 3. **Why the Remaining Discovery Could Not Be Completed:** This is a case with a
9 substantial damages claim. Plaintiff, who was 52 at the time of the incident, alleges she fell from
10 the loading ramp of a moving truck she rented from Defendant due to damage to the floor of the
11 loading ramp. She fell onto the asphalt surface of the street. Plaintiff required a cervical fusion
12 and a carpal tunnel surgery, and has more than \$900,000.00 in claimed medical expenses.
13 Moreover, Plaintiff is a veterinarian and claims that her injuries have impacted her ability to use
14 her hands to perform surgeries and other veterinarian work, and is therefore claiming loss of
15 earnings.

16 Plaintiff has moved to the east coast. She is continuing to treat with new medical
17 providers whose records need to be obtained. Record requests have been sent to Plaintiff's pre-
18 incident medical providers disclosed in discovery. Requests have been sent to New York,
19 Virginia, North Carolina, and New Jersey. Additionally, Defendant is working to obtain
20 employment records from Nevada, New York, Virginia and New Jersey to assess Plaintiff's
21 wage loss claim. Plaintiff provided authorizations to Defendant for the out-of-state providers on
22 November 6, 2023.

23 In light of the number of records requested and timing of the requests sent, the parties
24 anticipate that an extension of seventy five (75) days will be sufficient. The requested records are
25 needed ahead of expert witness reports in this case.

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4. **Discovery Plan:** For all of these reasons, the parties propose the discovery period below.

	Current Schedule	Proposed Schedule
Initial Disclosures	August 23, 2023	No Change
Amending the Pleadings and Adding Parties	November 2, 2023	No Change
Initial Expert Disclosures	December 4, 2023	February 15, 2024
Rebuttal Expert Disclosures	January 2, 2024	March 18, 2024
Discovery Closes	January 31, 2024	April 15, 2024
Dispositive Motions	March 1, 2024	May 15, 2024
Pre-Trial Order, if no Dispositive Motions	April 1, 2024	June 14, 2024

DATED this 21st day of November, 2023.

 <u>/s/ Kevin Brown</u> Michael Lowry, Esq. Nevada Bar No. 10666 Kevin A. Brown, Esq. Nevada Bar No. 7621 Attorneys for Estes Express Lines, Inc.	HIGH STAKES INJURY LAW <u>/s/ Ryan Kerbow</u> Scott L. Poisson, Esq. Nevada Bar No. 10188 Ryan Kerbow, Esq. Nevada Bar No. 11403 Attorneys for Plaintiff
Dated: November 22, 2023	It is so ordered.  UNITED STATES MAGISTRATE JUDGE